

Appln. No. 10/723,222  
Amendment dated November 13, 2007  
Reply to Office Action mailed August 14, 2007

### REMARKS

Reconsideration is respectfully requested.

Claims 1 through 3, 6 through 13, and 16 through 30 remain in this application. Claims 4, 5, 14, and 15 have been cancelled. No claims have been withdrawn. Claim 31 has been added.

#### Parts 1 through 7 of the Office Action

Claims 1 through 3, 10, 12, 13, 20 through 23, 27 and 29 have been rejected under 35 U.S.C. §102(e) as being anticipated by Allen.

Claim 24 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Allen.

Claims 4, 6, 8, 14, 16 and 18 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Allen in view of Johnason.

Claims 7, 9, 17 and 19 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Allen in view of Johnason as applied to claim 6 above, and further in view of Bell.

Claims 25 and 26 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Allen in view of Brunelle.

Claims 28 and 30 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Allen in view of Lagoni.

Claim 11 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Allen in view of Corbett.

Claim 12, particularly as amended, requires "means for buffering the real-time program from the acceptance of the call and providing the buffered program to the user upon the termination of the call until the buffered program coincides with the real-time program" and "wherein a

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portion of the real time program is not buffered by the means for buffering to facilitate coincidence of the buffered program with the real-time program". New claim 31 requires that "the portion of the real-time program that is not buffered includes any commercial advertisements in the real time program". Support for this feature can be found in the specification, for example, at page 6, lines 18 et seq. This feature provides the user with the ability to buffer a portion of the program and provides the ability (depending upon the length of the call) to have the buffered playback catch up to the real-time playback by deleting commercial advertisements from the buffered material.

It is submitted that this feature of the invention, and requirement of claim 12, is not shown or suggested by the Allen publication.

With respect to claim 20, it requires "displaying the buffered program to the user upon the termination of the call until the buffered program coincides with the real-time program" and "wherein displaying the buffered program is performed in a manner faster than reception of the real time program". Support for this feature can be found in the specification, for example, as page 6, line 21 et seq. This feature also provides the user with the ability to buffer a portion of the program and provides the ability (depending upon the length of the call) to have the buffered playback catch up to the real-time playback by faster playback of the buffered material.

It is also submitted that the Allen published patent application would not lead one of ordinary skill in the art to this feature of the invention, and requirement of claim 20.

Claim 21 requires, in part, "a buffer coupled to the controller, wherein the buffer is configured to initiate buffering of the real-time program from the display of caller identification information for the call and provide the buffered program to the display upon the termination of the call until the

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buffered program coincides with the real-time program". Support for this requirement can be found in the specification at page 6, lines 25 et seq. This feature permits the user to view the recorded program from the beginning of the interruption of the user's viewing which may occur when the caller ID information is displayed.

It is submitted that the Allen patent application does not disclose or suggest this requirement of claim 21.

Claim 22 requires, in part, "wherein said means for recording records the video input signal prior to detecting an incoming phone call by said means for detecting such that the recorded video input includes a portion of the video input signal prior to detecting an incoming phone call so that displaying the buffered program includes the portion of the video input signal prior to the detecting of the incoming phone call". Support for this feature can be found at page 6, lines 25 et seq. This feature of the invention provides the user with some context for the program that occurs after taking the call.

It is submitted that the Allen patent application does not disclose or suggest this feature of the claimed invention.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Allen, Johanson, Bell, Brunelle, Lagoni and Corbett set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 4, 11, 14, 17, 24 through 26, 28 and 30. Further, claim 6, which depends from claim 4, claims 7 through 9, which depend from claim 6, claim 16, which depends from claim 14, claims 18 and 19, which depend from claim 16, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

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Withdrawal of the §102(e) and §103(a) rejections of claims 1 through 4, 6 through 14, and 16 through 29 is therefore respectfully requested.

**Part 10 of the Office Action**

Paragraph 10 of the Office Action states that claims 5 and 15 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claims 4 and 5 (in their original form) into the recitation of claim 1, and therefore claim 1 is believed to be in condition for allowance.

The above amendment incorporates the limitations of claims 14 and 15 (in their original form) into the recitation of claim 13, and therefore claim 13 is believed to be in condition for allowance.

**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



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Jeffrey A. Proehl (Reg. No. 35,987)

Customer No. 40,158

P.O. Box 5027

Sioux Falls, SD 57117-5027

(605)336-3890 FAX (605)339-3357